

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

IN RE: HARD ROCK EXPLORATION, INC.<sup>1</sup>

Debtors.

ROBERT W. LEASURE, JR.,

Appellant,

v.

CIVIL ACTION NO. 2:18-cv-00513

HARD ROCK EXPLORATION, INC., et al.,

Appellees.

**ORDER DISMISSING APPEAL**

The Court, having considered the facts and arguments presented in the Joint Motion to Dismiss Appeal (the “Joint Motion”), (ECF No. 4), submitted by Robert W. Leasure, Jr., Chapter 11 Trustee for the above-referenced debtors (the “Trustee”) and Huntington National Bank (“HNB”) (collectively, the “Movants”), hereby **FINDS, DECREES, and ORDERS**:

1. The Joint Motion is reasonable under the circumstances and should be **GRANTED**. (ECF No. 4.) The Bankruptcy Court has granted the relief requested in the Motion of Trustee for Approval of Final Stipulation and Order Authorizing Use of Cash Collateral (the “Cash Collateral Motion”), (Bankr. Dkt. No. 474), and has entered the Final Stipulation and Order Authorizing Debtors to Use Cash Collateral and to Provide Adequate Protection Pursuant to Sections 361 and

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<sup>1</sup> Hard Rock Exploration, Inc., Caraline Energy Company, Brothers Realty, LLC, Blue Jacket Gathering, LLC, and Blue Jacket Partnership (collectively, the “Hard Rock Debtors”)

363 of the Bankruptcy Code (the “Final Cash Collateral Stipulation and Order”), (Bankr. Dkt. No. 488). Paragraph 21 of the Final Cash Collateral Stipulation and Order provides that, upon approval by the Bankruptcy Court, the Trustee’s appeal noticed on March 26, 2018, (Bankr. Dkt. No. 387), and docketed in this Court as Case No. 18-cv-00513 (the “Appeal”) shall be dismissed with prejudice upon motion of the Trustee.

2. Therefore, it is hereby **ORDERED** that the Appeal is hereby **DISMISSED WITH PREJUDICE**.<sup>2</sup>

3. This Order shall take effect immediately upon entry. The Court further **DIRECTS** the Clerk to remove this action from the Court’s docket.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 11, 2018

  
THOMAS E. JOHNSTON, CHIEF JUDGE

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<sup>2</sup> Because this order disposes of the above-styled matter, the Court **DENIES AS MOOT** the previously filed Joint Motion to Hold Appeal in Abeyance. (ECF No. 2.)